

REMARKS

Claims 1 and 2 are pending in the application. Claims 1 and 2 are both independent.

The claims have been amended herein to clarify and improve the readability of the language.

Claims Rejections - 35 U.S.C. § 103

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Document 2002148092 in view of U.S. Patent No. 5,234,037 to Derby.

Claims 1 and 2 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Document 2002148092 in view of U.S. Patent No. 2,588,206 to Clark, U.S. Patent No. 868,641 to Clarke, U.S. Patent No. 1,105,732 to West et al, and U.S. Patent No. 1,149,422 to Hewson.

Applicant respectfully traverses the rejections of the claims under 35 U.S.C. § 103(a).

Each of the secondary references relied on by the Examiner discloses a hopper or metering container having a single inlet for introducing granular or powdered material into the container and a single outlet for the removal of the collected granular or powdered material from the container. The primary reference likewise discloses a metering container having a single inlet for introducing granular or powdered material into the container and a single outlet for the removal of the collected granular or powdered material from the container. Clearly, one of ordinary skill in the art would consider each of the secondary references to teach a location for the outlet that is an alternative to the location of the outlet in the primary reference. Accordingly, the

secondary references do not teach the provision of a second powder outlet but rather a substitute configuration where the powder outlet is provided at the bottom of a metering container rather than at the upper end of the metering container as shown in the primary reference.

The Examiner maintains that Derby teaches a dust collector 152 and a lower slide valve 151 for the purposes of periodically cleaning and maintaining the device. However, the Examiner is misreading the reference. Derby states that the “dust collector 152 has a knife or slide gate valve 151 and an associated air cylinder 153 to allow discharge of dust and particles from the dust collector.” One of ordinary skill in the art would *not* be motivated to add the valve 151 of Derby to the apparatus of the primary reference, Japanese Patent Document 2002148092, because the primary reference is *already constructed* to allow the discharge of dust and particles from the metering container. The metering container of Japanese Patent Document 2002148092 is cleaned or cleared of dust and particles via a pressure gradient (gas flow) enabled by the porous body (19) at the bottom of the metering container.

The Examiner’s rejection of the claims under 35 U.S.C. § 103(a) is an exercise of hindsight because the cited prior art provides no motivation or reason to provide a second outlet or door in the metering container of Japanese Patent Document 2002148092. To do so pursuant to the Examiner’s reasoning would result in a useless duplication of parts.

Applicant’s claims have been amended also to set forth that a closing member (closing the second outlet) is formed at least in part by the porous body. Nothing in the references relied on by the Examiner would motivate one skilled in the art to provide a closing member on a second metering-container outlet, where the closing member is

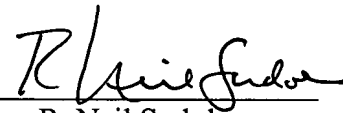
formed in part by a porous body that blocks the passage of powder granules larger than a predetermined size while allowing a gas to pass through.

Conclusion

For the foregoing reasons, independent claims 1 and 2 are deemed to satisfy the enablement requirement and to be in condition for allowance. An early Notice passing the application to issue is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,
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